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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,457	06/14/2001	Russell P. Blink	1039-0014	8926

7590

06/30/2004

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EXAMINER
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FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/882,457

Applicant(s)

BLINK ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8, 10, 11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8, 10, 11, 13, 14 - 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Election/Restrictions***

Claim 23 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper dated 4/18/04.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 15 it is unclear by what means the trays are made capable of simultaneously being programmed and processed.

Claim 16 fails to further limit the scope of the claims because the recitation of "a function" is not read as a positive limitation in this an article claim.

Claim 19, it is not understood what a smart base is.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10, 11, 13, 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Crooks et al. in view of Liu et al.

Crooks et al. disclose a tip tray (tray 28) that includes means within the tray for obtaining and storing responses from the customer (read as digitizer 44 and memory 46), a base unit (read as 22) that collects the responses from the tray. Crooks et al. Fail to disclose means which takes responses regarding the level of customer satisfaction. However, Liu et al. do disclose such a survey device which like the device of Crook et al. is located at a payment device. It would be obvious to modify the tray in Crook et al. to include the survey feature of Liu et al. (step 350) since the motivation would be to determine service quality at the time of payment when a customer is most likely to be candid.

Re claim 10: Liu et al. disclose a visual display that presents customer satisfaction survey questions to the customer (414); a survey keypad for entering the customer's responses to the survey questions (116); a memory that stores the customer responses; and a tray

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processor (140) that sends survey questions to the display (payment gateway 140 routes survey questions and routes answers back to server 170 from the input device 105 and thus collects **responses from** the keypad, and sends the responses to the memory).

Re claim 11: the external communications link in communication with the tray processor is read as the data coupling 34 in Crook et al.. It would be obvious to use the said tray processor (gateway 414) in Liu et al.) to retrieve the responses from the memory and downloading the responses to the base unit utilizing the communications link, the motivation being to better manage the flow of data.

Re claim 13: the base unit includes a battery recharger connected to a power pin See Fig 2 of Crooks et al for charger connecting to battery via contact coupling 36 which inherently is a pin like connection, and the tray includes a rechargeable battery connected to a power *receptacle (coupling 36)*, and the battery is recharged by stacking the tray on the base unit so that the *power pin* on the base unit is in contact with the *power receptacle* on the tray (the insertion of the tray 28 into the slot30 of the base station is read as stacking).

Re claim 14: the base unit 24 has data coupling 34 which is disclosed as a direct electrical connection which reads on a data pin and a tray data receptacle connected to the external communications link, said base unit processor using the communications link (gateway 414 see above) to program the tray processor with survey questions, and to download from the tray memory, the customer responses.

Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crooks et al. in view of Liu et al. as applied to claims 8, 10,11,13,14 above, and further in view of Winch et al.

Re claim 15: Crooks et al. do not disclose vertically tacking using pins. However, Winch et al. do disclose such a vertically stacked arrangement for charging batteries but uses horizontal pins 54/56. It would be obvious to modify Crooks et al. to vertically stack the trays 28 as taught by Winch et al. so and to structure pins as taught by Winch et al. to vertically contact the base station 24.

Re claim 16 the base station 22 is disclosed in Crooks et al. as being NCR PC which inherently has an analysis function operated on data remotely thereof.

Re claim 17.Crooks et al disclose a personal computer (PC 22), and the communications port comprises an RS232 interface (See col. 2 line 50).

Re claim 18: Official notice is taken with respect to remote processing of data using the global computer network.

Re claim 19: base unit 24 is read as a smart base in that it can process data to unit 22 and plural such g=base is a mere repletion of parts.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Primary Examiner Joseph A. Fischetti at telephone number (703) 305-0731.

A handwritten signature in black ink, appearing to be 'JAF', located at the bottom right of the page.